

Appln. No.: 10/030,414  
Amendment dated February 12, 2004  
Reply to Office Action of December 3, 2003

### **REMARKS/ARGUMENTS**

The office action of December 3, 2003 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested.

An abstract has been provided as requested.

Claims 3, 6, and 9 remain in this application. Claims 1, 2, 4, 5, 7, and 8 have been canceled without prejudice or disclaimer.

Claims 3 and 9 were objected to as being dependent on a rejected claim. Claims 3 and 9 have been rewritten in independent form. Moreover, claim 6 depends from claim 3. It is respectfully submitted that claims 3, 6, and 9 are allowable.

Claim 1, 2, 7, and 8 stand rejected under 35 USC 112, first and second paragraphs. The rejection contains some incomprehensible positions such as, but not limited to, "applicants place too much conception with the reader." However, since claims 1, 2, 7, and 8 have been canceled, this rejection is moot.

In regard to WO 96/37485, none of the claims were rejected over this document. It is respectfully requested that the statutory basis for the Examiner's request of "explain away" be provided if the position is maintained.

### **CONCLUSION**

It is believed that no fee is required for this submission. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

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All rejections and objections having been addressed, applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: February 12, 2004

By:

  
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### **Abstract of the Invention**

2-Amino-benzoxazinones are identified for use in the treatment of Herpes Simplex Virus. A subject is treated for Herpes Simplex Virus by treating with an effective amount of 2-amino-benzoxazinones.